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Attorneys for Defendant Michael Lacey

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF ARIZONA

United States of America,

Plaintiff,

vs.

Michael Lacey

Defendant.

Case No. CR-18-00422-PHX-SPL (BSB)

DEFENDANT LACEY'S REPLY TO
 UNITED STATES' RESPONSE (DOC. 466)
 TO DEFENDANTS' JOINT MOTION FOR
 DESIGNATION OF 39 DOCUMENTS
 SUBJECT TO THIS COURT'S
 DESTRUCTION ORDER TO BE
 PRESERVED AS PART OF THE *IN*
CAMERA RECORD IN THIS
 PROSECUTION

Defendant, Michael Lacey, by and through his undersigned attorney, hereby replies to the United States' Response (Doc. 466) To Defendants' Joint Motion For Designation Of 39 Documents Subject To This Court's Destruction Order To Be Preserved As Part Of The *In Camera* Record In This Prosecution (Doc. 453). Defendants' joint motion stated that "Defendants are in the process of destroying the 39 documents." (Doc. 453, p. 2). Undersigned counsel's email to the government dated February 7, 2019, (Doc. 466-1, Exhibit D), was notice to the government of Mr. Lacey's compliance with the Court's order to destroy the documents. Mr. Lacey hereby provides notice to this Court that the documents have been destroyed. However, as it is constitutional error for the government to withhold *Brady* material from the

1 defendant, the destroyed documents must be preserved as part of the record for later review in
2 this case or appellate review, if necessary, since they clearly contain a large amount of *Brady*
3 material.

4 RESPECTFULLY SUBMITTED this 21st day of February, 2019
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6 LIPSITZ GREEN SCIME CAMBRIA LLP
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8 /s/ Paul J. Cambria, Jr.

9 Attorneys for Defendant

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CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of February 2019, I electronically transmitted a PDF version of this document to the Clerk of the Court by filing with the CM/ECF system and understand a copy of the filing will be emailed to the attorneys of record.

By: /s/ Kristina Drewery